

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

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GABRIEL SANTACRUZ,  
 Petitioner,

v.

RONALD OLIVER, *et al.*,  
 Respondents.

Case No. 2:20-cv-00847-RFB-BNW

**ORDER**

In this proceeding under 28 U.S.C. § 2254, Gabriel Santacruz, through counsel, moves this Court for a stay of these proceedings to allow him to present evidence of actual innocence and claims of ineffective assistance of counsel in state court. ECF No. 37. The court entered an order staying this case in November 2020 because the COVID-19 pandemic prevented counsel from conducting the necessary investigation to file an amended petition. ECF No. 23. Santacruz contends that he now meets that the requirements for a stay under Rhines v. Weber, 544 U.S. 269 (2005).

In Rhines, the Supreme Court authorized the federal court to facilitate habeas petitioners' return to state court to exhaust claims. The Court stated that, "[I]t likely would be an abuse of discretion for a district court to deny a stay and to dismiss a mixed petition if the petitioner had good cause for his failure to exhaust, his unexhausted claims are potentially meritorious, and there is no indication that the petitioner engaged in intentionally dilatory litigation tactics." Id. at 278. Santacruz represents to the court that Respondents do not oppose his request for a stay. The court is satisfied that Santacruz meets the Rhines standard.

**IT IS THEREFORE ORDERED** that Santacruz's unopposed motion to stay (ECF No. 37) is **GRANTED**. The current stay is extended to allow Santacruz to present evidence of actual innocence and claims of ineffective assistance of counsel in state court.

1           **IT IS FURTHER ORDERED** that Santacruz shall continue to file status reports on the  
2 schedule established in the court's previous stay order (ECF No. 23). Respondents may respond  
3 to any such status report within 20 days; Santacruz may then reply within 10 days.

4           **IT IS FURTHER ORDERED** that either Santacruz or Respondents may file a motion at  
5 any time to lift the stay based on changed circumstances.

6           **DATED:** March 28, 2025.

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9           **RICHARD F. BOULWARE, II**  
10           **UNITED STATES DISTRICT JUDGE**